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ADVANCING JUSTICE AND PUBLIC SAFETY SOLUTIONS

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Date: September 24th, 2019

Re: Michigan Clean Slate Legislation Package

Position: SUPPORT

To: The Michigan House Judiciary Committee

Distinguished Members of the Committee,

I am here today as a resident of Howard City, a retired Detective Sergeant who served for 25 years with the Michigan State Police, and an adjunct college professor as well as a public school teacher at the secondary level for the past 18 years. I feel it is my duty to speak from the perspective of a police officer on issues that impact public safety and as an educator on issues of behavior management, goals, and personal accountability. I am also here as a representative of the Law Enforcement Action Partnership (LEAP), an international nonprofit group of police, sheriffs, prosecutors, and judges, to support Clean Slate legislation.

I spent years interdicting drugs at airports, which included arresting a 20 year-old man from Lansing who was the "mule" in smuggling a kilo of cocaine through the Lansing Capitol Airport to California. He ended up pleading to a 20-year sentence and his life was forever changed.

Today, when we arrest and convict someone, we automatically tack on a life sentence. They are forever branded as a criminal when they apply for a job, professional license, housing, benefits, or a college scholarship or loan.

Many people who end up with a criminal record in no way pose a threat to public safety. As an officer, I stopped many people whose drivers' licenses had been suspended for failure to pay off traffic tickets. Driving on a suspended license is a criminal offense, with mandatory jail time, so they quickly earned a criminal record just for driving to work. For many people who live in areas without public transportation the choice is to not work, or to take the chance and drive to support themselves or their families.

These criminal records effectively create criminals. When someone cannot find a job or even live with their parents due to a criminal conviction, how do they earn money and find a place to stay? They often turn to the streets. They fall in with friends who are selling drugs. Soon they are arrested for far more serious offenses, and they are on a path to prison. If our criminal justice

system was trying to push people who take one step down the wrong path to continue on that path for decades, it could hardly do better.

In America, [over 70 million people](#) have criminal records. We cannot seriously claim that one in four people is dangerous enough to be branded with a lifetime mark of criminality.

Those 70 million people all have families who lose faith in the criminal justice system. They stop talking to the police. I remember investigating the homicide of a man in an urban community where average citizens felt more threatened by the detective at their door than the killer in their neighborhood. By locking people out of society, we are locking police out of their neighborhoods. When enough people in a community have a criminal conviction, our officers can hardly find anyone willing to open the door when they see a badge.

The Clean Slate bill package would automatically set aside convictions to clear criminal records for people who **do not pose** a significant public safety risk. It would allow us to reintegrate people into our workforce, so they can become taxpayers and positive contributors to society. It would help restore families' faith in our justice system. I believe that the path to **justice** lies in problem-solving and healing rather than punitive isolation.”

These bills would make expungement automatic. Some offenses can already be “set aside,” or expunged, but it requires individuals to apply and appear in court. Automatic expungement is important in order to provide a second chance without wasting the scarce time of our judges and court system hearing individual expungement cases.

New research shows that “setting aside” a conviction can bring concrete benefits to public safety. While almost a third of Michiganders are rearrested within three years after their release, among those who have received a set-aside, only 4 percent recidivate within five years.¹

Clean Slate is a prime opportunity to lead the nation in smart criminal justice policies. Thank you for your consideration of this important legislation.

Respectfully,

Detective Sergeant Theodore L. Nelson (Ret.) B.S.
Michigan State Police, Adjunct Faculty Lansing Community College,
Muskegon Community College, Montcalm Community College, and Full time
Criminal Justice Instructor at Montcalm Area Career Center

¹ Prescott, J.J. and Starr, S. Expungement of Criminal Convictions: An Empirical Study. Harvard Law Review. 2019. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3353620.

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